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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,210	06/30/2000	Edmund Gale Acker	1999-0260	9348

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Mr S H Dworetsky
AT&T Corp
P O Box 4110
Middletown, NJ 07748

EXAMINER	
ARMSTRONG, ANGELA A	
ART UNIT	**PAPER NUMBER**
2654	4

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/608,210	ACKER ET AL.	
	Examiner	Art Unit	
	Angela A. Armstrong	2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 June 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-94* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-94* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 2.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-13, 17-20, 23-24, 31-35, 38-42, 44-46, 49-50, 57-59, 61, 68-72, 76-79, and 81 are rejected under 35 U.S.C. 102(e) as being anticipated by Spies (US Patent No. 6,035,273).

Regarding claim 1, Spies teaches a method for converting text to speech (col. 5, line 8 to col. 6, line 40) comprising: receiving data representing a textual message, said message being directed from an author to a recipient (col. 5, lines 40-49); receiving information identifying an individual (col. 6, lines 27-40); retrieving a speech template comprising information representing characteristics of said individual's voice (col. 5, lines 8-27); and converting said data representing said textual message to speech data, said speech data representing a spoken form of said textual message having the characteristics of said individual's voice (col. 5, lines 50-54).

Regarding claim 2, Spies teaches wherein said author interacts with a first computer and said recipient interacts with a second computer coupled to said first computer through a data network (col. 5, line 8 to col. 6, line 40).

Regarding claim 3, Spies teaches wherein said speech template is provided at a central location coupled to said first computer and said second computer (col. 6, lines 27-40).

Regarding claim 4, Spies teaches receiving said data representing the textual message at said central location from said first computer (col. 5, line 64 to col. 6, line 40).

Regarding claim 5, Spies teaches transmitting said speech data to said second computer from said central location (col. 5, line 64 to col. 6, line 40).

Regarding claim 6, Spies teaches transmitting said speech data to said first computer from said central location (col. 5, line 40 to col. 6, line 40).

Regarding claim 7, Spies teaches transmitting said speech data to said second computer from said first computer (col. 5, line 40 to col. 6, line 40).

Regarding claim 8, Spies teaches receiving said data representing the textual message at said central location from said second computer (col. 5, line 40 to col. 6, line 40).

Regarding claim 9, Spies teaches transmitting said speech data to said second computer from said central location (col. 5,line 40 to col. 6; line 40).

Regarding claim 10, Spies teaches speech template is provided at said first computer (col. 5, lines 25-27).

Regarding claim 11, Spies teaches transmitting said speech data or said speech template to said second computer from said first computer (col. 5, lines 25-39).

Regarding claim 12, Spies teaches speech template is provided at said second computer (col. 5, lines 25-39).

Regarding claim 13, Spies teaches comprising receiving said data representing the textual message at said second computer from said first computer (col. 5, line 40 to col. 6, line 40).

Regarding claim 17, Spies teaches first computer and said second computer are coupled to a server adapted to store and provide access to a shared space object, said shared space object being associated with said textual message (col. 5, line 40 to col. 6, line 40).

Regarding claim 18, Spies teaches author comprises computer executable program code designed to generate text in response to input from said recipient (col. 5, lines 40-49).

Regarding claim 19, Spies teaches a computer executing said program code couples to a public switched telephone network (col. 6, lines 2-5).

Regarding claim 20, Spies teaches said input from said recipient comprises telephone key depression or speech (col. 5, line 40 to col. 6, line 40).

Regarding claim 23, Spies teaches recipient interacts with a telephone coupled to a telephone network and said author interacts with a computer coupled to said telephone network through a data network (col. 5, line 40 to col. 6, line 40).

Regarding claim 24, Spies teaches directing said speech data to said telephone network through said data network (col. 5, line 40 to col. 6, line 40).

Regarding claims 31-35, 38-42, 44-46, 49-50, 57-59, 61, 68-72, 76-79, and 81, claims 31-35, 38-42, 44-46, 49-50, 57-59, 61, 68-72, 76-79, and 81, are system and/or article of manufacturing claims similar in scope and content to the method claims of 1-13, 17-20, and 23-24 rejected above, and are therefore rejected under similar rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 14-16, 21-22, 36-37, 43, 47-48, 60, 73-75, 80, 86-89, 90, and 93 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spies in view of Richardson (US Patent No. 5,812,126).

Regarding claim 14, Spies does not teach the first computer and said second computer are configured to communicate in an instant messaging format. Richardson teaches a method and apparatus for masquerading online with a user profiles database (col. 4, lines 52-58); speech pattern database (col. 5, lines 20-64); implementation in an internet chat room or instant messaging environment (col. 2, lines 30-49); various attributes to alter the transmitted information output which can be altered by either sender or recipient (col. 1, lines 47-61; col. 5, line 4 to col. 6, line 47). Richardson teaches the system is advantageous in allowing users to communicate with others to protect identity from prejudices or unwanted advances/attention (col. 1, lines 46-61).

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the system of Spies to implement the text to speech system in an instant messaging format, so as to allow for communication between users of the Internet in a hands-busy and/or eyes-busy environment.

Regarding claims 15-16, Spies does not teach said first computer and said second computer are coupled to a server configured to operate chat room software. Richardson teaches a method and apparatus for masquerading online with a user profiles database (col. 4, lines 52-58); speech pattern database (col. 5, lines 20-64); implementation in an internet chat room or

instant messaging environment (col. 2, lines 30-49); various attributes to alter the transmitted information output which can be altered by either sender or recipient (col. 1, lines 47-61; col. 5, line 4 to col. 6, line 47). Richardson teaches the system is advantageous in allowing users to communicate with others to protect identity from prejudices or unwanted advances/attention (col. 1, lines 46-61).

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the system of Spies to implement the text to speech system in a chat room format, so as to allow for communication between users of the Internet in a hands-busy and/or eyes-busy environment.

Regarding claims 21-22, Spies does not teach selecting said individual based on attributes of said recipient and wherein said attributes comprise age or gender. Richardson teaches a method and apparatus for masquerading online with a user profiles database (col. 4, lines 52-58); speech pattern database (col. 5, lines 20-64); implementation in an internet chat room or instant messaging environment (col. 2, lines 30-49); various attributes to alter the transmitted information output which can be altered by either sender or recipient (col. 1, lines 47-61; col. 5, line 4 to col. 6, line 47). Richardson teaches the system is advantageous in allowing users to communicate with others to protect identity from prejudices or unwanted advances/attention (col. 1, lines 46-61).

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the text-to-speech telecommunication system of Spies to implement selecting attributes of age/gender/nationality, etc as the characteristic of the transmitted information

output, as suggested by Richardson, for the purpose of allowing users to communicate with others to protect identity from prejudices or unwanted advances/attention.

Regarding claims 36-37, 43, 47-48, 60, 73-75, 80, and 90, claims 36-37, 43, 47-48, 60, 73-75, 80, and 90, are system, method, and/or article of manufacturing claims similar in scope and content to the method claims of 14-16 and 21-22 rejected above, and are therefore rejected under similar rationale.

Regarding claims 86 and 89, Spies teaches a method for generating speech data (col. 5, line 8 to col. 6, line 40) comprising: receiving input from a recipient (col. 5, lines 40-49); selecting a speech template comprising information representing characteristics of a voice (col. 5, lines 8-27); and converting said text message to speech data, said speech data representing a spoken form of said textual message having the characteristics of said voice (col. 5, lines 50-54). Spies does not teach generating a text message that provides a response to said input, selecting said individual based on attributes of said recipient and wherein said attributes comprise age or gender. Richardson teaches a method and apparatus for masquerading online with a user profiles database (col. 4, lines 52-58); speech pattern database (col. 5, lines 20-64); generating a text message that provides a response to a user's input or query (col. 4, lines 34-51); various attributes to alter the transmitted information output which can be altered by either sender or recipient (col. 1, lines 47-61; col. 5, line 4 to col. 6, line 47). Richardson teaches the system is advantageous in allowing users to communicate with others to protect identity from prejudices or unwanted advances/attention (col. 1, lines 46-61).

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the text-to-speech telecommunication system of Spies to implement creating responses to the input of a voice response system and to implement selecting attributes of age/gender/nationality, etc as the characteristic of the transmitted information output, as suggested by Richardson, for the purpose of improving response time of the identity transformer (see Richardson, col. 4, lines 38-42) and thereby allowing users to communicate with others to protect identity from prejudices or unwanted advances/attention.

Regarding claim 87, Spies teaches said input from said recipient comprises telephone key depression and speech (col. 5, line 40 to col. 6, line 40).

Regarding claim 88, Spies teaches directing said speech data to said recipient through a public switched telephone network (col. 5, line 40 to col. 6, line 40).

Regarding claim 93, Spies teaches a method for generating speech data (col. 5, line 8 to col. 6, line 40) comprising: selecting a speech template comprising information representing characteristics of a voice (col. 5, lines 8-27); and converting said text message to speech data, said speech data representing a spoken form of said textual message having the characteristics of said voice (col. 5, lines 50-54). Spies does not teach receiving text data from a software application, selecting said individual based on attributes of said recipient and wherein said attributes comprise age or gender. Richardson teaches a method and apparatus for masquerading online with a user profiles database (col. 4, lines 52-58); speech pattern database (col. 5, lines 20-64); generating a text message that provides a response to a user's input or query (col. 4, lines 34-51); various attributes to alter the transmitted information output which can be altered by either sender or recipient (col. 1, lines 47-61; col. 5, line 4 to col. 6, line 47). Richardson teaches

the system is advantageous in allowing users to communicate with others to protect identity from prejudices or unwanted advances/attention (col. 1, lines 46-61).

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the text-to-speech telecommunication system of Spies to implement selecting creating responses to output in a software application as suggested by Richardson, for the purpose of improving response time of the identity transformer (see Richardson, col. 4, lines 38-42).

3. Claims 25-30, 51-56, 62-67, 82-85, and 91-92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spies in view of Brunet et al (US Patent No. 5,995, 590).

Regarding claims 25-26, Spies does not teach transmitting a notification to said author when said recipient is unable to connect with a telephone of said author and receiving said data representing the textual message in response to said notification message. Brunet discloses a telecommunication system which speech recognition technology may be used to convert voice into text that is delivered in a message that can later be either viewed as text or read out as voice mail by the user, who may be a hearing impaired, mute or deaf person. Such systems may also convert the whole conversation to text and make a text transcript of the duplex conversation. If the receiver of a telephone call is not present to receive the call, the call can be directed to either voice mail or e-mail with the aid of the voice to text converter and also have the text converted to speech for audio output (col. 4, lines 21-45); and allows the user to create information based on preselected phrases, wherein a full prolog is created based on the preselected phrase combined with other available information such as present time, present

location, or desired recipient (col. 3, lines 46-67). Brunet teaches the system is advantageous in allowing a user to listen to messages in a hands-busy eyes-busy environment.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the text-to-speech telecommunication system of Spies for implementation in a voice-mail environment, because such a modification would be allow a user to listen to messages in a hands-busy eyes-busy environment.

Regarding claims 27-29, Spies does not teach textual message comprises a variable portion of a message having both a variable portion and a fixed portion, the textual message further comprises said fixed portion, and fixed portion is prerecorded speech of said individual. Brunet discloses a telecommunication system which speech recognition technology may be used to convert voice into text that is delivered in a message that can later be either viewed as text or read out as voice mail by the user, who may be a hearing impaired, mute or deaf person. Such systems may also convert the whole conversation to text and make a text transcript of the duplex conversation. If the receiver of a telephone call is not present to receive the call, the call can be directed to either voice mail or e-mail with the aid of the voice to text converter and also have the text converted to speech for audio output (col. 4, lines 21-45); and allows the user to create information based on preselected phrases, wherein a full prolog is created based on the preselected phrase combined with other available information such as present time, present location, or desired recipient (col. 3, lines 46-67). Brunet teaches the system is advantageous in allowing a user to listen to messages in a hands-busy eyes-busy environment.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the text-to-speech telecommunication system of Spies for implementation with

creating information for transmittal that includes preselected phrases combined with other available information such as present time, present location, or desired recipient, because such a modification would be allow a user to easily create messages in a hands-busy eyes-busy environment.

Regarding claim 30, Spies does not teach data representing the textual message comprises an e-mail message. Brunet discloses a telecommunication system which speech recognition technology may be used to convert voice into text that is delivered in a message that can later be either viewed as text or read out as voice mail by the user, who may be a hearing impaired, mute or deaf person. Such systems may also convert the whole conversation to text and make a text transcript of the duplex conversation. If the receiver of a telephone call is not present to receive the call, the call can be directed to either voice mail or e-mail with the aid of the voice to text converter and also have the text converted to speech for audio output (col. 4, lines 21-45); and allows the user to create information based on preselected phrases, wherein a full prolog is created based on the preselected phrase combined with other available information such as present time, present location, or desired recipient (col. 3, lines 46-67). Brunet teaches the system is advantageous in allowing a user to listen to messages in a hands-busy eyes-busy environment.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the text-to-speech telecommunication system of Spies for implementation in a e-mail environment, because such a modification would be allow a user to listen to messages in a hands-busy eyes-busy environment.

Regarding claims 51-56, 62-67, 82-85, and 91-92, claims 51-56, 62-67, 82-85, and 91-92 are system, method, and/or article of manufacturing claims similar in scope and content to the method claims of 25-30 rejected above, and are therefore rejected under similar rationale.

4. Claim 94 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spies in view of Richardson and further in view of Everding (US Patent No. 6,336,089).

Regarding claim 94, Spies and Richardson do not teach the software application comprises an interactive learning program. Everding teaches a computerized, interactive pronunciation learning system wherein the pitch (frequency), volume (amplitude) and duration of a model speaker's reading of text is encoded digitally and compared with the encoded pitch, volume, and duration of a user's speech, provision being made for display of the results such that the user can visually and audibly ascertain the abstracted differences between the model's and user's speech parameters (Figures 17, 18, 19; col. 2, lines 36-55).

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to implement the text-to-speech system of Spies and Richardson in the interactive pronunciation system of Everding, because such a modification would allow a user to create and listen to models of various text, practice their pronunciation and visually and audibly ascertain the abstracted differences between the model's and their own speech parameters.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gasper et al (US Patent No. 5,278,943) discloses a speech animation and inflection system.

Dutta et al (US Patent No. 6,453,294) discloses a system for interactive on-line communications which trancodes or alters voice or image portions to create an avatar.

Schulz et al (US Patent Application Publication No. 2002/0010584) discloses an interactive voice communication method and system for information and entertainment.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 703-308-6258. The examiner can normally be reached on Monday-Thursday 7:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (703) 305-9645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Angela A. Armstrong
Examiner
Art Unit 2654

AAA
March 08, 2004

Angela Armstrong